

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Logan, B.

Serial No.: Herewith

Group Art Unit: 3713

Filed: February 8, 2002

Examiner: Harris, C.

Title: METHOD AND SYSTEM FOR REPRODUCING A PROGRESSIVE OR
REGRESSIVE PATTERN OF SONIC VARIATIONS

Commissioner for Patents
Washington, DC 20231

PRELIMINARY AMENDMENT

Sir:

Prior to examination and prior to the calculation of the filing fee, please amend this application as follows:

In the specification:

After the title insert --This application is a divisional of U.S. Patent Application No. 09/421,659 filed October 20, 1999.--

In the claims:

Please amend claims 33, 36, 37 and 42 as follows:

33. (Amended) [The system of claim 32] A system for adjusting cognitive function of a postnatal human comprising:

means for determining a pattern of sonic variations, said pattern comprising a plurality of sequences of tones, each sequence being repeated at a predetermined tempo;

means for selecting each of said sequences of tones to be transmitted at a predetermined time during a predetermined period; and

means for transmitting each of said sequences of tones in soundwave form to said human during said predetermined period,

wherein said tones in said pattern of sonic variations are a baseline tone or a tonal variation from said baseline tone in which subsequent sequences increase or decrease in

tempo.

36. (Amended) [The system of claim 32 further comprising:] A system for adjusting cognitive function of a postnatal human comprising:
means for determining a pattern of sonic variations, said pattern comprising a plurality of sequences of tones, each sequence being repeated at a predetermined tempo;
means for selecting each of said sequences of tones to be transmitted at a predetermined time during a predetermined period;
means for transmitting each of said sequences of tones in soundwave form to said human during said predetermined period; and
means for positioning a transmission means proximate to a forehead of said human and transmitting said sequence of tones [through the cranial surface to said human] aurally.

37. (Amended) A system for increasing cognitive function of a premature baby comprising:

means for determining a pattern of sonic variations, said pattern comprising a plurality of sequences of tones, each sequence being repeated at a predetermined tempo;
means for selecting each of said sequences of tones to be transmitted at a predetermined time; and
means for transmitting each of said sequences of tones in soundwave form to said [fetus] premature baby [during periods within the term of the pregnancy].

42. (Amended) A method for improving cognitive function of a fetus in utero in a woman[;], comprising the steps of:

determining a pattern of sonic variations, said pattern comprising a plurality of sequences of tones, each sequence being repeated at a predetermined tempo;
determining an in utero maternal baseline tone, each of said sequence of tones [in said baseline tone] is said in utero maternal baseline tone or a tonal variation from said in utero maternal baseline tone; and
transmitting each of said sequences of tones in soundwave form to said fetus

during different periods within the term of the pregnancy,

wherein said tonal variations of each subsequent said sequence of tones is selected to be increased during the term of the pregnancy.

Please add new claim 43 as follows:

43. (New) A system for adjusting cognitive function of a postnatal human comprising:

means for determining a pattern of sonic variations, said pattern comprising a plurality of sequences of tones, each sequence being repeated at a predetermined tempo;

means for selecting each of said sequences of tones to be transmitted at a predetermined time during a predetermined period;

means for transmitting each of said sequences of tones in soundwave form to said human during said predetermined period; and

means for positioning a transmission means proximate to a forehead of said human and transmitting said sequence of tones aurally.

Please cancel claims 1-11, 16, 21-31, 41 and 42.

REMARKS

Claims 33, 36, 37 and 42 have been amended. Claim 43 has been added.

Attached is a clean copy of claims 33, 36, 37, 42 and 43. Claims 1-11, 16, 21-31, 41 and 42 have been cancelled. Claims 12-15, 17-20, 32-40 and 43 are in this application.

Claims 37 and 42 have been amended to provide antecedent basis. No new matter has been entered. Applicant has amended the claims for clarity. Each of the claims has been amended for clarity to encompass the full scope and breadth of the invention.

Claims 33 and 36 have been rewritten in independent form.

New claim 43 has been added to recite an additional feature of the invention.

Support for claim 43 is found throughout the specification and in particular on page 8, lines 28-29.

Applicant notes claims 1-11, 16, 21-31, 41 and 42 were allowed in the parent application.

Applicants believe that the claims would have been allowable as originally filed. Accordingly, applicants assert that no claims have been narrowed within the meaning of the Federal Circuit's recent decision in *Festo Corp. v. Shoketsu Kinzoku Kohyo Kabushiki Co.*, No. 95-1066, 2000 WL 1753646 (Fed. Cir. Nov. 29, 2000).

A prompt and favorable action on the merits is earnestly solicited. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,



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CLEAN COPY OF CLAIMS

33. A system for adjusting cognitive function of a postnatal human comprising:
means for determining a pattern of sonic variations, said pattern comprising a plurality of sequences of tones, each sequence being repeated at a predetermined tempo;
means for selecting each of said sequences of tones to be transmitted at a predetermined time during a predetermined period; and

means for transmitting each of said sequences of tones in soundwave form to said human during said predetermined period,

wherein said tones in said pattern of sonic variations are a baseline tone or a tonal variation from said baseline tone in which subsequent sequences increase or decrease in tempo.

36. A system for adjusting cognitive function of a postnatal human comprising:
means for determining a pattern of sonic variations, said pattern comprising a plurality of sequences of tones, each sequence being repeated at a predetermined tempo;
means for selecting each of said sequences of tones to be transmitted at a predetermined time during a predetermined period;

means for transmitting each of said sequences of tones in soundwave form to said human during said predetermined period; and

means for positioning a transmission means proximate to a forehead of said human and transmitting said sequence of tones aurally.

37. A system for increasing cognitive function of a premature baby comprising:
means for determining a pattern of sonic variations, said pattern comprising a plurality of sequences of tones, each sequence being repeated at a predetermined tempo;
means for selecting each of said sequences of tones to be transmitted at a predetermined time; and
means for transmitting each of said sequences of tones in soundwave form to said premature baby.

42. A method for improving cognitive function of a fetus in utero in a woman, comprising the steps of:

determining a pattern of sonic variations, said pattern comprising a plurality of sequences of tones, each sequence being repeated at a predetermined tempo;

determining an in utero maternal baseline tone, each of said sequence of tones is said in utero maternal baseline tone or a tonal variation from said in utero maternal baseline tone; and

transmitting each of said sequences of tones in soundwave form to said fetus during different periods within the term of the pregnancy,

wherein said tonal variations of each subsequent said sequence of tones is selected to be increased during the term of the pregnancy.

43. A system for adjusting cognitive function of a postnatal human comprising:

means for determining a pattern of sonic variations, said pattern comprising a plurality of sequences of tones, each sequence being repeated at a predetermined tempo;

means for selecting each of said sequences of tones to be transmitted at a predetermined time during a predetermined period;

means for transmitting each of said sequences of tones in soundwave form to said human during said predetermined period; and

means for positioning a transmission means proximate to a forehead of said human and transmitting said sequence of tones aurally.